

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ALVIN DANIELS,

Plaintiff,

V.

**UNNAMED SHERIFF OF HOUSTON
COUNTY,**

Defendant.

CIVIL ACTION NO. 5:12-CV-410(MTT)

ORDER

Before the Court is the Plaintiff's Motion for Certificate of Appealability. (Doc. 7). The Plaintiff brought § 1983 claims against the Defendant for his alleged unconstitutional arrest and prosecution, and his complaint was dismissed for failure to state a claim. (Doc. 6). Following the dismissal, the Plaintiff filed the present Motion for a Certificate of Appealability. (Doc. 7). However, a Certificate of Appealability is not a prerequisite to the appeal of a § 1983 action. Therefore, the Plaintiff's Motion is **DENIED** as moot.

SO ORDERED, this 3rd day of January, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT